

Message Text

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TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 197370

STADIS////////////////////////////////////
EXDIS

E.O. 11652: GDS-3

TAGS: OVIP (KISSINGER, HENRY A.), PLOS

SUBJECT:DRAFT MESSAGE TO SECRETARY PROPOSING SECOND
LETTER TO FOREIGN MINISTERS

REF: STATE 190812

1. THERE FOLLOWS FOR YOUR COMMENT ASAP A PROPOSED TELEGRAM
TO THE SECRETARY SUGGESTING A SECOND MESSAGE TO SELECTED
FOREIGN MINISTERS. WE PROPOSE TO SEND IT TO SECRETARY
AFTER THE SCOPE PAPER HAS BEEN CLEARED AND SENT LATER
TODAY (AUGUST 9).

2. BEGIN TEXT OF DRAFT TELEGRAM TO THE SECRETARY:

GIVEN YOUR DECISION TO FOLLOW UP YOUR AUGUST 13 VISIT TO
THE LOS SESSION WITH A SECOND VISIT ON AUGUST 24-26, WE
BELIEVE IT WOULD NOW BE USEFUL FOR YOU TO SEND A SECOND
LETTER TO THE 37 FOREIGN MINISTERS TO WHOM YOU RECENTLY
WROTE ABOUT THE LOS CONFERENCE. WE BELIEVE YOU SHOULD AT
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THE LEAST INFORM THEM OF YOUR TWO PLANNED PARTICIPATIONS.

IN ADDITION WE BELIEVE YOU SHOULD NOW ENCOURAGE MINISTERIAL PARTICIPATION BY THESE KEY COUNTRIES DURING THE PERIOD OF YOUR SECOND VISIT. WE THEREFORE RECOMMEND THAT YOU SEND THE MESSAGE BELOW TO THE SELECTED POSTS.

3. THE ARGUMENTS IN FAVOR OF SUCH A MESSAGE ARE: (A) THAT YOUR VISIT TO NY ON AUGUST 13 MIGHT BE MISINTERPRETED BY SOME FOREIGN MINISTERS AS THE MAIN OR ONLY PERIOD OF YOUR PARTICIPATION AND WE SHOULD SET THE RECORD STRAIGHT ON THE MATTER; (B) SOME LEAD TIME WILL BE NECESSARY IF INDEED WE ARE TO HAVE A REPRESENTATIVE GROUP OF MINISTERS ATTENDING; AND (C) GIVEN THE INCREASING ROLE OF THE MORE RADICAL STATES WE NEED TO ENCOURAGE THE MORE MODERATE LEADERSHIP TO PLAY A MORE ACTIVE ROLE IN THE NEGOTIATIONS.

4. REASONS AGAINST SENDING SUCH A MESSAGE INCLUDE: (A) WE STILL DO NOT HAVE A VERY CLEAR PICTURE OF WHERE THE NEGOTIATIONS ARE GOING; (B) THE RADICAL STATES IN THE NEGOTIATIONS CONTINUE TO TAKE THE LEAD AWAY FROM THE MORE MODERATE THEREBY HURTING THE CHANCES FOR COMPROMISE; AND (C) WE HAVE NO EVIDENCE THAT THE NEGOTIATIONS IN NY HAVE NARROWED OUTSTANDING DIFFERENCES THEREBY EASING THE TASK OF MINISTERIAL LEVEL DECISION-MAKERS AND ENHANCING THE LIKLIHOOD OF SUCCESS.

5. ON BALANCE WEFAVOR THE MESSAGE. IF THERE IS A CONFRONTATION OR STANDSTILL IT MIGHT BE THE ONLY WAY TO GALVANIZE THE CONFERENCE INTO FORWARD MOVEMENT; IF SOME PROGRESS HAS BEEN MADE BY AUGUST 24-26, THE MINISTERS CAN ENSURE THAT IT HOLDS AND IS FURTHER STRENGTHENED.

6. IF YOU DO NOT WISH TO ENCOURAGE MINISTERIAL ATTENDANCE ON AUGUST 24-26, WE STILL BELIEVE YOU SHOULD INFORM FOREIGN MINISTERS THAT YOU WILL BE ATTENDING BOTH AUGUST 13 AND AUGUST 24-26. A DECISION ON ENCOURAGING THEIR LATER ATTENDANCE COULD BE PUT OFF PENDING YOUR ASSESSMENT OF THE SITUATION ON AUGUST 13.

7. YOU MAY WISH TO CONSIDER SENDING AN ADDITIONAL AND CONFIDENTIAL

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MORE SUBSTANTIVE MESSAGE TO THE SELECTED FOREIGN MINISTERS AFTER YOUR VISIT ON AUGUST 13, WHEN WE WILL HAVE MORE INFORMATION ON PROGRESS IN NY.

8. RECOMMENDATION:

A. THAT YOU AUTHORIZE US TO SEND PERSONAL MESSAGE BELOW INFORMING SELECTED LIST OF FOREIGN MINISTERS THAT YOU WILL

ATTEND LOS CONFERENCE ON AUGUST 13 AND AUGUST 24-26 AND
SUGGESTING THEY CONSIDER ATTENDANCE DURING LATTER PERIOD.

APPROVE

DISAPPROVE

B. ALTERNATIVELY, THAT WE INFORM SAME GROUP OF COUNTRIES
OF YOUR ATTENDANCE BOTH DATES BUT DO NOT SUGGEST THEY
ATTEND AT THIS MOMENT.

APPROVE

DISAPPROVE

9. BEGIN TEXT OF LETTER TO FOREIGN MINISTERS:

DEAR (APPROPRIATE TITLE):

A. IN MY MESSAGE TO YOU EARLIER ON THE IMPORTANCE OF
THE LAW OF THE SEA NEGOTIATIONS, I INDICATED THAT I WOULD
BE GIVING THESE ISSUES MY IMMEDIATE AND URGENT ATTENTION
AND THAT I WOULD BE HEADING THE US DELEGATION TO THIS
SESSION. FURTHER, I SAID THAT AS EVENTS UNFOLD I
WOULD BE IN TOUCH WITH YOU ABOUT ADDITIONAL IDEAS ON HOW
WE MIGHT FURTHER THESE NEGOTIATIONS.

B. I WANT, THEREFORE, TO INFORM YOU THAT I WILL BE
PERSONALLY ATTENDING THE CONFERENCE ON AUGUST 13 TO
OBTAIN A FIRST-HAND ASSESSMENT AND TO MAKE CONTACT WITH
THE CONFERENCE LEADERSHIP AND OBTAIN THEIR VIEWS ON HOW
WE CAN ACHIEVE SUBSTANTIVE AGREEMENT ON THE OUT-
STANDING ISSUES AT THIS VERY CRUCIAL SESSION. THIS
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INITIAL VISIT WILL BE FOLLOWED BY A LONGER VISIT
AUGUST 24 TO 26 WHEN I HOPE TO TAKE AN ACTIVE ROLE IN
NEGOTIATIONS LOOKING TOWARDS ACHIEVING SIGNIFICANT PRO-
GRESS TOWARDS THE GOAL OF A LOS CONVENTION ACCEPTABLE TO
ALL GROUPS OF STATES.

C. THE UNITED STATES HAS SET FORTH MAJOR INITIATIVES
WITH RESPECT TO THE OUTSTANDING ISSUES IN AN EFFORT TO
ACHIEVE A CONSENSUS. WE ARE PREPARED TO WORK TOWARDS A
FINAL ACCEPTABLE OVERALL PACKAGE AT THIS SESSION WHICH WE
BELIEVE FULLY PROTECTS THE VITAL INTERESTS OF ALL
COUNTRIES AND WHICH PROVIDES FOR AN EQUITABLE OCEANS
REGIME WHICH HAS THE HOPE OF BRINGING ORDER AND PEACE TO
THIS VAST AND COMPLEX AREA.

D. TO THIS END I WOULD ASK YOU, OR ANOTHER MINISTERIAL
LEVEL DELEGATE WITH FULL POWERS, TO CONSIDER ATTENDING
THE LOS SESSION DURING AUGUST 24-26 AND JOIN WITH ME IN
A MUTUAL EFFORT TO FIND SOLUTIONS TO THE MOST IMPORTANT
OUTSTANDING ISSUES IN THESE NEGOTIATIONS. I REALIZE
THE ENORMITY OF THE BURDENS OF YOUR OFFICE BUT WE RARELY
HAVE THE OPPORTUNITY AS A WORLD COMMUNITY TO CREATE A
LASTING FRAMEWORK OVER SUCH A VITAL AND VULNERABLE
RESOURCE TO ALL PEOPLES AS THE MARINE ENVIRONMENT. THE
ALTERNATIVE TO SUCCESS IS CONTINUED AND INCREASING
CONFLICT RESULTING IN LOSS TO ALL OF OUR PEOPLES AND
DAMAGE TO THE OCEAN'S LONG TERM INTEGRITY AND ABUNDANCE.
I HOPE YOU AGREE THIS IS A TIME FOR CREATIVE STATESMAN-
SHIP AT THE HIGHEST LEVEL.

SINCERELY, HENRY KISSINGER

END TEXT OF DRAFT LETTER TO FOREIGN MINISTERS

END TEXT OF DRAFT TELEGRAM TO THE SECRETARY

10. PLEASE REPLY BY IMMEDIATE, STADIS, EXDIS TELEGRAM
SLUGGED FOR D/LOS, S/S, S/P ONLY. HABIB

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Margaret P. Grafeld
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